



Linda S. Adams  
Secretary for  
Environmental Protection

# Air Resources Board

Robert F. Sawyer, Ph.D., Chair  
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Arnold Schwarzenegger  
Governor

April 30, 2007

Honorable Stephen L. Johnson, Administrator  
U.S. EPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 1101A  
Washington, DC 20460

Re: Technical Amendments to California's Motor Vehicle Evaporative and Exhaust Emissions Test Procedures; Request for Confirmation that Amendments are Within the Scope of Previous Waivers of Preemption Under Clean Air Act Section 209(b)

Dear Administrator Johnson:

At a June 22, 2006 hearing, the California Air Resources Board (ARB or Board) approved the 2006 Technical Amendments to the California evaporative emission test procedures, onboard refueling vapor recovery and spitback test procedures, exhaust emission test procedures, and vehicle emission control label requirements. The amendments align each of the subject California test procedures and labeling requirements with its corresponding federal counterpart. The United States Environmental Protection Agency (U.S. EPA) has already incorporated these amendments into the federal test procedures and labeling requirements by its adoption of a direct final rule on December 8, 2005, which became effective February 6, 2006. I am writing to request that you confirm that the 2006 Technical Amendments fall within the scope of waivers of preemptions previously granted under the federal Clean Air Act (CAA) section 209(b) for California's second generation low-emission vehicle (LEV II) regulations and follow-up amendments to the LEV II regulations.

I am enclosing our Waiver Action Support Document, which includes a description of the 2006 Technical Amendments, a review of the criteria governing U.S. EPA's application of California's waiver requests, and our rationale why the 2006 Technical Amendments fall within the scope of prior waivers of federal preemption. I also enclose two CD-ROMs, each of which contain copies of this letter, the Waiver Action Support Document, and the rulemaking documents listed at the end of that document.

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

Stephen L. Johnson, Administrator

April 30, 2007

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If you need additional technical information on this item, please contact Sharon Lemieux, Manager of ARB's Emissions Research Section, at (626) 575-7067. You may address legal questions to Alexander Wang, Senior Staff Counsel, at (916) 323-9610.

Sincerely,



Catherine Witherspoon  
Executive Officer

Enclosure  
Attachments

cc: Mr. David Dickinson, Attorney/Advisor (w/encl., w/attachs.)  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Mail Code 6405J  
Washington, D.C. 20640

Ms. Sharon Lemieux, Manager (w/encl., w/o attachs.)  
Emissions Research Section  
Mobile Source Control Division

Mr. Alexander Wang, Senior Staff Counsel (w/encl., w/attachs.)  
Office of Legal Affairs